

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ JUL 05 2022

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SAUL SABINO,

Plaintiff-Pro Se,

-against-

City of New York, et al.,

Defendants.

BROOKLYN OFFICE

NOTICE OF MOTION TO AMEND
COMPLAINT TO ADD
DEFENDANT PURSUANT TO U.S.
FEDERAL RULES OF CIVIL
PROCEDURE RULE 15(a)(2)

Case No. 20-cv-05861

To: Honorable Eric R. Komitee, United States District Judge

STATEMENT OF FACTS

On or about June 04th, 2019, Plaintiff Sabino was been discharged from a [NYC Health & Hospital Corp.] Brooklyn New York Hospital, when the hospital was about to discharged Plaintiff, NYC NYPD Police officers said to Plaintiff Sabino, He was under arrest while still in the hospital bed, when asked why? Plaintiff was inform by the NYC NYPD Police Officers that he had an "active pending Parole Warrant".

Plaintiff politely said to the NYC-NYPD Police Officers that their Parole Warrant information was "invalid, an error, and totally WRONG". Since Plaintiff Sabino's "MAXIMUM EXPERATION DATE" was on "November 21th, 2018" the prior year, Plaintiff Sabino then "GAVE" NYC NYPD Police Officers his "New York State Department of Corr. & Community Supervision" INMATE IDENTIFICATION NUMBER #08-A-1148 and Plaintiff said to the NYC-NYPD Police Officers to please "CHECK" his inmate DIN Number in the NYS DOCCS website for "INMATE LOOKUP" the NYC NYPD POLICE OFFICERS "Decline and Refused" to simply check the online NYS INMATE LOOKUP to verify Plaintiff's Sabino's testimony and story.

Instead the NYC NYPD Police Officers took Plaintiff Sabino to NYC Department of Correction AMKC Facility at Rykers Island on June 04th, 2019, right from the hospital. Plaintiff Sabino was assigned an "INMATE Book & Case Number# 141-190-3106" By AMKC NYC Dépt. Of Correction and placed in the "Maximum Classification Housing Unit Cell Only Quad 6 Upper" called the "The DARK SIDE" were the Plaintiff Sabino "spent [illegally] 72 days unlawfully incarcerated in NYC Jail WITHOUT ANY TYPE OR FORM OF HEARING(S), NOR DID PLAINTIFF SEE, NOR SAW A JUDGE, NOR PRODUCE, AND NO LETTERS RECEIVED AS TO WHY HE WAS HELD AND DEPRIVED OF LIFE, AND LIBERTY "WITHOUT" any DUE PROCESS OF LAW", untill finally released without any type of reasons on AUGUST 14th, 2019, See Attached, Exhibit A, "History of- [Plaintiff's] Incarceration In the Custody of New York City Dept.- of Correction, page 2 of 2, under Book & Case #141-190-3106 from- June 04, 2019 to August 14, 2019 AMKC Total of 72 days". U.S. Constitutional 14th Amendment & NYS Constitutional Article 1 Sec. 6 "With out" the RIGHT to "Due Process of Law" and negligences by NYC. Plaintiff humbly request this Court grants him "relief" for this- GRAVE wrong done to him, by the City of New York the Defendants.

Sabino v. City of New York, et al., Case No. 20-cv-05861
Declaration In Support of Motion To Amend Complaint To Add Defendant Pursuant To Fed R. Civ. Proc. Rule 15(a)(2) (EK)

DECLARATION OF SAUL SABINO

My name is Saul Sabino Plaintiff Pro Se, and I reside at 18-18 Hazen Street, East Elmhurst, NY 11370. I declare under penalty of perjury that all of the following is true and correct of my personal knowledge, and that if called as a witness in this matter, I could and would competently testify to each of the facts set forth herein and below:

1. I am the Plaintiff Pro Se in this matter. I am therefore, fully familiar with the facts and circumstances of this action.

2. This declaration is submitted in support of notice of Motion To Amend Complaint and To Add Defendant, to which this declaration is attached.

3. The original Complaint in this matter demanded judgment against Defendant for the amount of \$145,000. in damages or humbly whatever this Court deems fit, fair, and just.

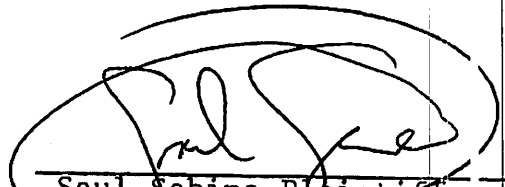
4. The existence of Defendant's officially adopted policy from New York Correction Law Section 500-c was part of the sole cause, injury, and deprivation to Plaintiff's U.S. Constitutional right to due process of law and other civil rights violated too. Since Defendant negligently failed to have adequate supervision of Plaintiffs wrongful-illegally detainment, and failed to release Plaintiff in a timely fashion upon knowledge of plaintiff's wrongful-illegal incarceration. The Statute does "NOT absolve" Defendant (City of New York) from liability for their negligence and wrongful acts.

5. Defendant was negligent and misfeasance in the performance of their duties. On the basis that Defendant knew of Plaintiff's wrongful-illegal incarceration within hours and days from the first day of June 04th, 2019 illegal Commitment to custody. Since the Plaintiff informed Defendant's NYC Dept. Of Correction AMKC and NYS Dept Of Corr & Community Supervision via "NYC Jail RECORDED-INMATE PHONE SERVICES" (Which can be Subpoena Per Rule 45) and via U.S.P.S. mail, Yet To No avail from Defendant both City of New York and NYS Dept. Of Corr & Community Supervision.

6. The Court can "see attached" on EXHIBIT A, "History of the Plaintiff's Incarceration in the Custody of New York City Dept. Of Corr. that" Plaintiff had NO Criminal Charges Detaining him during the 72 DAYS HELD FROM JUNE 04th, 2019 to August, 14, 2019" and to further Proof and VERIFY this CLAIM. Plaintiff humbly request the COURT "ORDERS" Defendant (City Of New York) to produced 1. Jail Time records and Certificates Pursuant to NY Correction Law Sec. 600-a; and 2. Records of Commitments and Discharges pursuant to New York Correction Law Sec. 500-f which are kept "PERMANENTLY" by law.

Sabino v. City of New York, et al., Case No.20-cv-05861
Declaration in Support Of Motion To Amend Complaint To Add
Defendant Per Fed R. Civ. Proc. Rule 15(a)(2)

7. This Motion to Amend will not cause undue delay a since discovery has not commenced in this matter. The changes in the Complaint could NOT possibly prejudice the Defendant in its ability to defend on the merits because the claims of amended Complaint arise out of the same transactions and facts and circumstances as set forth in the original complaint.



Saul Sabino Plaintiff
Prp Se 349-2101344
18-18 Hazen Street
E.Elmhurst, NY 11370

Dated June 28, 2022

CC: City Of New York Counsel-
Hon. Mostafa Khairy, Esq.
Corp. Counsel of City of New York
100 Church St. Rm 3-208
New York, NY 10007

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Thank you may Hashem Bless you All.

EXHIBIT A



NEW YORK CITY DEPARTMENT OF CORRECTION
Cynthia Brann, Commissioner

Laura S. Mello
Senior Counsel | FOIL Officer
75-20 Astoria Boulevard
East Elmhurst, New York 11370

718-546-0952
Fax 718-278-5001

Apr 8, 2021

Saul Sabino B&C# 3492002006
GRVC
09- 09 Hazen Street
East Elhurst, NY 11378

Dear Mr. Sabino,

This letter is to acknowledge and respond to the inquiry you sent to the New York City Department of Correction.

Please see attached history of your incarceration in the custody of New York City Department of Correction.

Your latest/ current incarceration started Aug 11, 2020.

Very truly yours,

Jail Time Coordinator
Legal Division

New History NYSID Number Search (QNH#)

Discharged After April 25, 1990

Din = Days Incarcerated Total Per Record

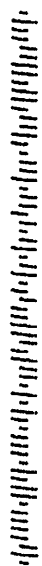
Bran	Nysid #	Book&case#	Last Name	First Name	Admit Date	Din	Disc Date	Last
	01052307M	1410517369	SABINO	SAUL				
	01052307M	1410616680	SABINO	SAUL	20-SEP-06	253	30-MAY-07	SRV
	01052307M	1410522070	SABINO	SAUL	24-DEC-05	46	07-FEB-06	SMD
	01052307M	1411507840	SABINO	SAUL	11-AUG-15	74	23-OCT-15	SRV
	01052307M	1411803859	SABINO	SAUL	23-JUN-18	33	25-JUL-18	AMK
*	01052307M	1411903106	SABINO	SAUL	04-JUN-19	72	14-AUG-19	AMK
	01052307M	4411904484	SABINO	SAUL	22-AUG-19	100	29-NOV-19	EIF
	01052307M	8950701690	SABINO	SAUL	23-OCT-07	133	03-MAR-08	AMK

Ruechane, Grey
241.17.03944

U.S.D.C., E.D.N.Y.
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